

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:21-CV-346-D

ERIC MCMILLIAN,

Plaintiff,

v.

OFFICER BURTON, et al.,

Defendants.

**ORDER**

On August 30, 2021, plaintiff, appearing pro se, filed a motion to proceed in forma pauperis [D.E. 1]. Pursuant to 28 U.S.C. § 636(b)(1), the court referred the matter to Magistrate Judge Robert T. Numbers, II for a memorandum and recommendation on the plaintiff's motion to proceed in forma pauperis and for a frivolity review [D.E. 5]. On June 21, 2021, Magistrate Judge Numbers ordered plaintiff to notify the court of the status of his state criminal case so that this court can determine if it has subject-matter jurisdiction [D.E. 6]. To date, plaintiff has not complied with the court's order. On October 25, 2021, Judge Numbers issued a Memorandum and Recommendation ("M&R") and recommended that the complaint be dismissed for failure to comply with the court's order to provide jurisdictional information [D.E. 7]. Plaintiff did not object to the M&R.

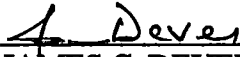
"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the

face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R and the record. There is no clear error on the face of the record. See Diamond, 416 F.3d at 315. Thus, the court adopts the conclusion in the M&R and dismisses the complaint without prejudice.

In sum, the court GRANTS plaintiff’s motion to proceed in forma pauperis [D.E. 1], ADOPTS the conclusions in the M&R [D.E. 7], and DISMISSES plaintiff’s complaint without prejudice. The clerk shall close the case.

SO ORDERED. This 9 day of November, 2021.

  
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JAMES C. DEVER III  
United States District Judge